

**REMARKS****Restriction Requirement**

The Examiner requires election of among the following groups of claims:

**Group I:** Claims 1-4, 8-15, and 20-29, directed to methods of using a polypeptide, a composition comprising the polypeptide, and a method for inhibiting tumor growth by administering the composition;

**Group II:** Claims 1-12, 16-19, and 22-29, directed to methods of using a nucleic acid molecule, a vector comprising the nucleic acid molecule, a composition comprising the vector, and a method of inhibiting tumor growth by administering the composition; and

**Group III:** Claims 30-32, directed to a method for identifying a compound that modulates ATF2 activity comprising measuring the expression of a reporter gene associated with ATF2 expression control sequences.

The Examiner contends that since polypeptides and nucleic acids in Groups I and II are chemically distinct, and since the method claims in Group III do not require use of either of products of Groups I or Group II, the groups are patentably distinct.

In order to be responsive to the restriction/election requirement, Applicants elect the claims of **Group I**, directed to methods of using ATF2 polypeptides. (claims 1-15,20-21, 23-29; with the reference to claim 22 deleted from claim 23).

Applicants note that claim 22, included by the Examiner in Group I, is not directed to a polypeptide or method of use thereof and may not have been intended by the Examiner to be in Group I. Accordingly, Applicants withdraw this claim from consideration. In addition, since elected claim 23, as a multiple dependent claim, depends partly from claim 22, claim 23 is amended herein to remove the dependency from claim 22.

### Species Election

In addition to the restriction requirement, the Examiner is requiring a species election of either melanoma or breast cancer as the cancer treated by the claimed method. However, the Examiner has indicated that should the elected general method claims be allowed, he will consider allowing claims to both melanoma or breast cancer which are dependent from those claims.

In order to be responsive to this requirement, Applicants elect melanoma tumors as the cancer treated by the claimed method.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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